

**REMARKS**

In response to the Office Action dated January 18, 2006, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

In response to the objection to claim 16, the claim has been amended as suggested by the Examiner.

Claims 5, 6 and 19 were rejected under the second paragraph of 35 U.S.C. §112. With respect to claims 5 and 6, the Office Action states that the recitations that the transmission efficiency is at least 60%, and is in the range of 60-80%, are considered to be indefinite. In support of this position, the Office Action states that the transmission efficiency depends on the type of radiation source being used, and the orientation of the radiation source with respect to the Soller slit device. It is respectfully submitted that this observation is not germane to whether the language of the claims is definite. The claims recite a specific, measurable parameter, namely the efficiency of transmission. A person of ordinary skill in the art can readily determine whether any given device falls within the scope of the claims, simply by comparing the amount of radiation output from the device, relative to the amount that is input. This measurement is independent of the particular source of radiation, or its orientation. Thus, whether the input radiation is highly collimated, or highly divergent, it is still possible to measure whether the transmission efficiency of the Soller slit device falls within the claimed range. Accordingly, it is respectfully submitted that the claims are definite within the meaning of 35 U.S.C. §112.

In response to the rejection of claim 19, this claim has been amended to recite that the high energy radiation collimating device forms a Soller slit device, and thereby obviate the issue raised in the Office Action.

Claims 1, 5, 6, 10, 13 and 15 were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by the *Tosswill et al.* patent (U.S. 4,125,776). With respect to claim 1, the Office Action asserts that the *Tosswill* patent discloses a Soller slit device comprising a plurality of substantially parallel blades 10. It is respectfully submitted that the *Tosswill* patent discloses neither a Soller slit device, nor a plurality of substantially parallel blades. Rather, the elements 10 that are identified in the Office Action are disclosed in the *Tosswill* patent as being glass *columns*. As illustrated, these columns constitute square or hexagonal tubular structures. It is respectfully submitted that a person of ordinary skill in the art would not consider these tubular structures to comprise blades, i.e., flat, planar structures.

Furthermore, the matrix of columns illustrated in Figures 1 and 3 do not result in a Soller slit device. For example, as described in the *Fujinawa et al.* patent of record, a Soller slit is constructed by piling up a plurality of thin metal foils and interposing a spacer therebetween. The matrix of columns illustrated in the *Tosswill* patent does not constitute such a structure. It is an entirely different type of collimator.

Accordingly, it is respectfully submitted that the *Tosswill* patent does not anticipate the subject matter of claims 1, 5, 6, 10, 13 or 15. Reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Claims 7-9, 11, 16, 23-28 and 30 were rejected under 35 U.S.C. §103, on the basis of the *Tosswill* patent, and claims 14 and 29 were rejected on the basis of the *Tosswill* patent in view of the *Moulton* patent. Each of these rejections relies upon the same interpretation of the *Tosswill* patent that was set forth in the rejection under 35 U.S.C. §102. As discussed above, the *Tosswill* patent does not disclose a high

energy radiation collimating device that comprises a plurality of substantially parallel planar blades that are stacked and spaced apart from one another, in the nature of a Soller slit. As such, it does not disclose every element that is recited in the rejected claims. It does not meet the criteria for a *prima facie* case of obviousness, as set forth in MPEP §2143.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:   
James A. LaBarre  
Registration No. 28,632

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620